



# DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

July 13, 2001

REPLY TO  
ATTENTION OF

Construction-Operations  
Regulatory (94-01298-IP-DLB)

Dear EIS Participants:

This letter addresses the future direction of scoping for the Crandon Project Environmental Impact Statement (EIS). The U.S. Army Corps of Engineers (Corps) has recently received a number of letters requesting that additional public scoping meetings be conducted for the proposed Crandon Project. The letters suggest that more meetings are needed to allow the public opportunities to provide the Corps with updated scoping comments. The Corps has considered these comments and, as the lead agency in preparing the Federal EIS for the proposed Crandon Project, is committed to providing the public with ample opportunities to present comments regarding scoping and other issues.

Scoping is a process that is required by the Council on Environmental Quality (CEQ) regulations (40 C.F.R. 1501.7). The purpose of scoping is for "determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." Scoping is an ongoing process that continues until the final EIS is released to the public. CEQ regulations (40 C.F.R. 1501.7 (b)(4) state that "As part of the scoping process the lead agency may: Hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites." In other words, the lead agency has the authority (and discretion) to make decisions regarding the conduct of scoping meetings.

After reviewing the scoping activities conducted to date, the Corps has determined that the six previously held public scoping meetings followed by the public release of draft and final scoping documents are sufficient at this stage of the EIS preparation. The direction of future scoping for the EIS will focus on written public comments, which may be provided to the Corps throughout the EIS preparation process. The Corps will consider all

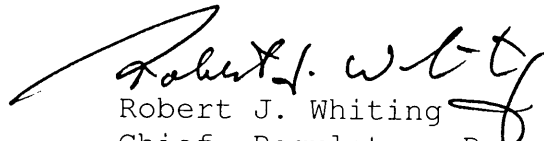


additional scoping comments it receives in preparation of the EIS and, if necessary, add issues or adjust the scope of the issues addressed in the EIS.

Enclosed with this letter is a Draft Coordination Plan that provides information regarding the distribution and review time periods for a number of documents that will be prepared by the Corps throughout the preparation of the EIS. Please review the Draft Coordination Plan and provide comments to the Corps within 30 days.

Please contact Mr. Jon Ahlness at 651-290-5381 if you have any questions or comments regarding Corps review of the proposed Crandon Project.

Sincerely,

  
Robert J. Whiting  
Chief, Regulatory Branch

Enclosure

Copy furnished:

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Garvey & Stoddard, S.C., Glenn M. Stoddard  
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Great Lakes Indian Fish & Wildlife Comm., Ann McCammon  
Soltis  
Great Lakes Indian Fish & Wildlife Commission, John Coleman  
Horsley & Witten, Peter Thibodeau  
Jacobson, Buffalo, Schoessler & Magnuson, Ltd., Steven  
Thorne  
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Menominee Indian Tribe of Wisconsin, Doug Cox  
Menominee Indian Tribe of Wisconsin, Phil Seem  
Montgomery Watson, Brian Liming  
Montgomery Watson, Ed Matthiesen

Montgomery Watson, Jerry Nettleton  
Nicolet Minerals Company, Gordon Reid  
Oneida Tribe of Indians of Wisconsin, Chairman Gerald  
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Oneida Tribe of Indians of Wisconsin, Laura Manthe  
Sokaogon Chippewa Community, Mole Lake Band, Chairperson  
Sandra Rachal  
Sokaogon Chippewa Community, Tina Van Zile  
Sokaogon Chippewa Community, Robert Van Zile  
Sokaogon Chippewa Community, Roman Ferdinand  
Stockbridge-Munsee Community, Chairman Robert Chicks  
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U.S. Fish & Wildlife Service, Janet Smith  
U.S. Geologic Survey, Jim Krohelski  
Wisconsin Department of Natural Resources, Bill Tans  
Wisconsin Department of Natural Resources, Chris Carlson  
Wisconsin Historical Society, Sherman Banker  
University of Wisconsin, Mary Anderson  
University of Wisconsin, Doug Cherkauer  
Rolling Stone Lake P&R District, Sonny Wreczycki  
Town of Lincoln, Alfred J. Savoie  
Town of Nashville, Chuck Sleeter  
Corps Contractor, Mark Meyers  
Sierra Club, John Muir Chapter, Caryl E. Terrell  
Northern Thunder, Tom Wilson  
Center for Alternative Mining Development Policy, Al  
Gedicks  
Walleyes For Tomorrow, Tom Soles

# **Corps of Engineers Draft Coordination Plan for Preparation of the Crandon Project Environmental Impact Statement**

## Introduction

Nicolet Minerals Company (NMC) has submitted an application to the United States Army Corps of Engineers (Corps) for a Section 404 Permit under the Clean Water Act to discharge fill into waters of the U.S., including wetlands, in conjunction with developing and operating a zinc/copper mine and mill in Forest County, Wisconsin. The Corps is preparing an Environmental Impact Statement (EIS) for the proposed Crandon Project, pursuant to a Notice of Intent published in the *Federal Register* (Vol. 59, No. 240, page 64652) on December 15, 1994. A third party contractor, Montgomery Watson, has been selected by the Corps to prepare the EIS for the project.

## Purpose

This Coordination Plan provides a listing of documents that the Corps will be providing for review and comment during the preparation of the EIS, the tentative dates when those documents will be available, and the time frames for Native American Tribes, cooperating agencies, Federal Agencies, the Wisconsin Department of Natural Resources (WDNR), EIS participants, and the general public to provide comments to the Corps.

## Cooperating Agencies and Tribal Trust Responsibilities

The EIS is being prepared in compliance with the National Environmental Policy Act (NEPA) and consistent with the Corps Federal Tribal Trust Responsibilities to the recognized Native American Tribes that may be affected by the proposed project. The potentially affected tribes are the Forest County Potawatomi Community, the Menominee Indian Tribe of Wisconsin, and the Sokaogon Chippewa Community, Mole Lake Band. In addition, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) serves 11 Chippewa Tribes in Michigan, Minnesota, and Wisconsin that maintain off-reservation hunting, fishing, and gathering rights on public lands in the ceded territory where the proposed project would be conducted.

The Corps, as the lead agency for preparation of the Federal EIS, has provided an opportunity for the tribes,

Federal agencies, the WDNR, and local governments to become cooperating agencies for preparation of the EIS. The Town of Nashville, the Town of Lincoln, Forest County, the Bureau of Indian Affairs, and the Forest County Potawatomi Community have asked to become cooperating agencies. The list of Cooperating Agencies will be finalized once cooperating agency agreements are in place with the respective tribes and agencies.

#### EIS Participants

The EIS participants are a group of tribes, agencies, local governments, and some of their consultants that have been closely following the Corps EIS preparation for the proposed Crandon Project. The EIS participants will have the opportunity to review and provide comment on some of the documents prepared by the Corps. The Scope of Work (SOW) for the third party EIS contractor lists the EIS participants as follows:

- Bureau of Indian Affairs, Fort Snelling office
- Bureau of Indian Affairs, Ashland office
- Forest County Potawatomi Community
- Great Lakes Indian Fish & Wildlife Commission, Odanah office
- Great Lakes Indian Fish & Wildlife Commission, Madison office
- Horsley & Witten, Incorporated
- Jacobson, Buffalo, Schoessler & Magnuson, Ltd.
- Menominee Indian Tribe of Wisconsin
- Nicolet Minerals Company,
- Oneida Tribe of Indians of Wisconsin,
- Sokaogon Chippewa Community, Mole Lake Band
- Stockbridge-Munsee Community
- Town of Nashville
- U.S. Environmental Protection Agency, Chicago office
- U.S. Fish & Wildlife Service, Green Bay office
- U.S. Geologic Survey, Middleton office
- Wisconsin Department of Natural Resources
- Wisconsin Historical Society
- University of Wisconsin, Doug Cherkauer

Please note that all cooperating agencies will also be EIS participants even though some may not be in the SOW list.

### Corps-Prepared Documents and Review Time Frames

A Statement of Responsibility (SOR) and a SOW were developed for the third party contractor for preparation of the EIS. The SOW provides opportunities for tribes, cooperating agencies and EIS participants to review the EIS as it is being developed. The tribes and cooperating agencies will have the opportunity to review and comment on the draft EIS chapters, as they are prepared. A preliminary Draft EIS will be prepared and the tribes, cooperating agencies, and EIS participants will have an opportunity to review it and provide comments. These opportunities are in addition to the NEPA required public review of the Draft EIS (40 C.F.R. 1503.1 (a)(4)) and the Final EIS (40 C.F.R. 1502.19 (c)). This additional, but not required, coordination will be used to make final adjustments to the scope and content (40 CFR 1501.7) of the EIS.

Table 1 identifies the EIS documents that will be prepared by the Corps, the parties that will receive the documents, the approximate date of availability, and the time for providing comments to the Corps.

Table 1 - EIS Documents and Review Times

Document	Distribution	Tentative Date Available	Comments Due to Corps
Individual draft chapters and appendices	Tribes/ Cooperating agencies	As drafts are prepared	30 days*
Preliminary draft EIS	EIS Participants	June 2002	45 days*
Draft EIS	Public	September 2002	90 days <sup>1</sup>
Preliminary final EIS (Corps will distribute if it deems necessary)	EIS Participants	May 2003	30 days*
Final EIS	Public	June 2003	60 days <sup>2</sup>

<sup>1</sup> 45 days required (40 C.F.R. 1506.10 (c))

<sup>2</sup> 30 days required (40 C.F.R. 1506.10 (b)(2))

\* These reviews are not required by NEPA or its implementing regulations.

Table 2 identifies other technical documents that will be prepared by the Corps, the groups that will receive the

documents, the approximate date of availability, and the time for providing comments to the Corps.

Table 2 - Other Documents and Review Times

Document	Distribution	Tentative Date Available	Comments Due to Corps
Draft Scoping Document	Public	3/28/01	47 days
Draft Data Needs Document	EIS Participants	July 2001	45 days
Draft Wetlands Impact Assessment Methodology	EIS Participants	July 2001	30 days
Draft Corps MODFLOW Groundwater Modeling Plan	EIS Participants	July 2001	30 days
Draft Significance Criteria	EIS Participants	August 2001	45 days
Draft Corps MODFLOW Model Report	EIS Participants	January 2002	30 days

Please note that the draft EIS chapters and the documents in Table 2 will not necessarily be provided in series. Therefore, some of the review time periods may overlap.

#### Public and Tribal Hearings

In addition to participation during preparation of the EIS, public hearings will be scheduled to provide opportunity for Native American Tribes, Cooperating Agencies, EIS participants and the general public to comment on the draft and EIS and the final EIS. The following public hearings will be conducted during the public comment period on the Draft EIS:

General Public Hearing in Crandon, Wisconsin  
 General Public Hearing in Madison, Wisconsin  
 Tribal Hearing with GLIFWC  
 Tribal Hearing with Forest County Potawatomi Community  
 Tribal Hearing with Menominee Indian Tribe of Wisconsin  
 Tribal Hearing with Sokaogon Chippewa Community, Mole Lake Band

The need for and locations of Public and Tribal Hearings for the Final EIS will be determined at a later date.

### Timeliness of EIS Preparation

The NEPA requirements include a mandate for reducing delay in the preparation of an EIS (40 C.F.R. 1500.5). The review time frames set forth above provide for multiple opportunities for reviews of the EIS as it is being prepared, and sets forth reasonable time frames for review and comments by the cooperating agencies and Native American Tribes, EIS Participants and the general public. By publishing this Coordination plan, EIS participants now have notice of expected documentation and review/response time frames. Since multiple opportunities will be provided for comments, the Corps intends to hold to the above response schedule to minimize delay. The Corps has already provided for anticipated requests for time extensions by doubling the required review times for the DEIS and the final EIS. Absent a compelling reason, no further requests for extensions of comment periods will be honored.